

**CHESAPEAKE BAY COMMISSION**  
**Low House Office Building &**  
**Governor's Reception Room, State House**  
**Annapolis, Maryland**  
**January 2, 2014**

The Chesapeake Bay Commission held its first quarterly meeting of 2014 on Thursday, January 2, in Annapolis, Maryland.

The following Commission members and staff were in attendance:

Secretary Chris Abruzzo  
Senator Mike Brubaker  
PA Citizen Representative Warren Elliott  
Representative Garth Everett  
MD Citizen Representative Bernie Fowler  
Secretary Joe Gill  
Senator Emmett W. Hanger, Jr.  
Delegate Maggie McIntosh  
Senator Thomas "Mac" Middleton  
Representative Ronald Miller  
Deputy Secretary Anthony Moore  
VA Citizen Representative John Reynolds  
Representative Mike Sturla  
Senator Mike Waugh  
Delegate John F. Wood, Jr.

Staff: Ann Pesiri Swanson  
Bevin Buchheister  
Jack Frye  
Marel Raub  
Paula Hose

Members not in attendance:

Senator Brian Frosh  
Delegate James Hubbard  
Delegate Lynwood Lewis  
Delegate Scott Lingamfelter  
Senator Frank Wagner

**MEETING CALL TO ORDER**

The Commission's business meeting was called to order by Chairman McIntosh at 9:00 A.M. The meeting was held in the House Environmental Matters Committee Room, which is the committee that she chairs. Chair McIntosh noted that the CBC elections are usually in the afternoon, but for this meeting we will hold elections in the morning because the afternoon meeting is not open to the public and we need to comply with open meetings requirements. McIntosh also announced that PA acting Sec. of DEP, Sec. Abruzzo, is now officially confirmed and extended congratulations from the CBC.

Following roll call, the November 2013 meeting minutes and the day's meeting agenda were approved as presented.

## **CHAIRMAN'S UPDATES**

Chair McIntosh reported that she represented the Commission at the Chesapeake Executive Council (EC) meeting Maryland Gov. Martin O'Malley was elected to succeed Mayor Gray as EC chair. McIntosh raised the issue of governance at the meeting, as described in a December letter from Chair McIntosh to EC Chair Mayor Gray of the District of Columbia. Citizens Advisory Committee (CAC) Chair John Dawes seconded the CBC's concerns on governance. The EC members agreed that some issues on governance should be worked out but also agreed that they did not want to slow down the timeline of the Agreement. The Agreement will be released for public comment on Jan 29, 2014. McIntosh noted the absence of a toxics goal or reference to Conowingo Dam, and the opt-in/opt-out provision will be likely be highlighted by public comments and the Bay Program should address them. She said there will be another meeting of the PSC and hopes staff can help find common ground on governance and other issues raised by the Citizens Advisory Committee and others.

## **IDENTIFYING THE COMMISSIONS PRIORITIES**

During the Commission's November 2013 meeting, staff provided a list of areas that still need attention for states to successfully meet their WIP Goals. CBC members participated in extensive delegation meetings and had in-depth discussions about the Commission's priorities and began to narrow them down. The delegations also held individual meetings back in their states following the November meeting.

Executive Director Ann Swanson and Virginia Director Jack Frye went over the results of the delegation meetings and facilitated a discussion that allowed the members to identify their highest priorities for the next 12-24 months. Four issues got particular attention out of eight total issues. They were stormwater, agriculture, accountability and land conservation. For stormwater, the notion of finance rose to the top along with supporting local jurisdictions, public private partnerships, urban fertilizer load, incentives, BMPs and financing. For agriculture, the Farm Bill and conservation programs that come from it were top priority. On the topic of accountability, the issue of offsets rose to top concern. And for Land Conservation, the issue of how to credit conservation efforts in the TMDL was a top concern. Other issues members wanted to keep working on were manure to energy, climate change, and wastewater treatment plants. Sen. Middleton recommended that Conowingo issues should fit in here as a work in progress, and could either stand alone or be part of another topic. Chair McIntosh said the Delegations will have time to consider these priorities moving forward and asked the staff to use this as their framework. Ann Swanson noted that if a subject was not included in this matrix, it doesn't mean we would not respond, but the identified issues are one you will likely see in future legislation and as a focus at future CBC meetings.

## **CHESAPEAKE BAY AGREEMENT**

Ann and Marel reviewed the history of the Bay Agreements, what they focused on, the legislation they inspired and how management strategies are a new element of this Agreement. Marel noted that accountability is driving the adoption of management strategies. This idea arose during TMDL discussions and the GAO study on spending public dollars.

Management Strategies (MS) will address specific actions that need to be done to make the outcomes a reality. As the Agreement now stands, each signatory can use discretion on whether or not to participate in MS. This provision is often referred to as "opt in/opt out." The current

description of MS allows for other parties, local governments, non-profits, etc. to “opt in” and have their actions incorporated into the MS. Management Strategies will be developed at the Goal Implementation Team (GIT) level and will be approved by the Management Board and evaluated every two years.

Members had an in-depth discussion on whether the criteria for the opt-in /opt-out provision should be based on relevance, resources or other factors. Ann noted that partners should not necessarily be excluded from developing MS if they do not have the resource in their region. As an example she noted that several years ago Pennsylvania helped to break a logjam between Maryland and Virginia on sea bass management even though Pennsylvania does not have sea bass in their state. Marel explained that it is an open question as to how much a partner will participate in developing a MS if the partner has indicated they will not participate in implementing the strategy. John Reynolds pointed out that this opt-in/opt-out discussion reinforces the need for the Commission to bring issues to the fore and find commonality. Sen. Hanger suggested the Agreement have an appendix that makes it clear that states that have issues, like blue crabs, will do something about them, and outline what each state will do and reinforce that we will work together to achieve goals. Sec. Gill asked members to see the elegance of this approach that lets us measure success and said the new Agreement would provide accountability. Marel suggested that the CBC opt-in to all MS and reviewed general language crafted by staff that would allow us to work on issues that could not be anticipated at the time of drafting the management strategies.

Members agreed that we will use the Executive Committee of the CBC to decide on CBC management strategies language and other issues raised during the public comment period. We expect comments on toxics, local government, and climate change. Any other CBC member who wants to be on these calls is welcome to join.

## **CHANGING ENVIRONMENTAL CONDITIONS**

### **Part I:**

#### **Implications of Climate Change for Chesapeake Bay Restoration**

Dr. Donald Boesch, President of the University of Maryland Center for Environmental Science, gave a presentation to members on the implications of climate change on Bay restoration. Dr. Boesch has spent ten years working on climate change issues on the national, international, state and regional levels. He presented survey data and social science data that showed that in Pennsylvania, Maryland and Virginia there is no great difference in views on global warming and changes caused by human activities. He noted that the Intergovernmental Panel on Climate Change’s Fifth Assessment said it is extremely likely that the warming is a result of human activities since the mid-20th century. Boesch said that we have known for 150 years that greenhouse gasses (GHG) have a warming effect and that it is a basic phenomenon.

Boesch said if we stay on the path of increased emissions, the temperature will increase by 4 degrees Celsius and to prevent warming of more than 2 degrees, we need to cut GHG to zero by 2070. Other than temperature, indicators of warming include sea level rise, ice sheets melting, growing zones shifting and earlier springs.

He said that increased sea level rise is certain and that the slowing of the Gulf Stream will accentuate this sea level rise. While the sea level is rising at a rate of 2 mm per year, the land in our area is sinking because of long term effects of glaciation. Scientists predict a 1.4 foot water level rise by 2050, but Boesch said we should prepare for 2 foot rise.

He also said that the Chesapeake will warm more than the global average and the increase in water temperature in the Bay will result in a loss of eelgrass, which is already heat stressed, but that red drum, speckled trout, and shrimp may be more plentiful. He said the Chesapeake will see a small increase in precipitation delivered in winter or spring and less precipitation in summer, meaning rivers may carry more water and pollutants into the Bay. Due to evapotranspiration we will have less soil moisture and more demand on irrigation. Boesch indicated that we may have to adjust the TMDL to achieve our water quality goals and said that what we do in the next 30 years will determine what our descendants must deal with in next century and beyond. He also said that they cannot slow the rate of sea level rise.

Members asked questions about how large a mitigation factor could soil trapping of carbon be and were told that managing carbon in forests and farms is one strategy but this strategy alone could not solve the problem. Boesch said the endgame must be reducing the amount of CO2 concentration in the air and the solution needs to be global. He said that local efforts to limit GHG will touch on how we manage growth and that carbon impact statements may change the debate on growth and sprawl development, which will directly benefit Bay restoration.

As legislators think of climate change, he said, they should think of mitigation and ways to limit greenhouse gasses. But adaptation is also needed because climate change is here. Boesch said we must think about human infrastructure, consider whether to defend or retreat, and consider policy options to sustain tidal wetlands and facilitate their migration. And, when investing in stormwater upgrades we should plan for larger volumes of water because of larger downpours and that we should stress the benefits to human safety and property of this investment. He also said it is important to be educated about climate change and to support climate change education for the general public.

The take home message from Dr. Boesch was that legislators should not get too distracted by the challenges posed by climate change but should continue to focus on the goals we set to reach the TMDL by 2025, and understand that we will always have to adapt.

**ELECTIONS OF 2014 OFFICERS** -The following officers were approved for 2014:

PA: Representative Ronald E. Miller, Chair; Senator Michael W. Brubaker, Vice-chair  
MD: Senator Thomas “Mac” Middleton, Chair; Delegate Maggie McIntosh, Vice-chair  
VA: Delegate L. Scott Lingamfelter, Chair; Senator Emmett W. Hanger, Jr. Vice-chair

The 2014 CBC chairmanship moves to Pennsylvania so Ron Miller will chair the Commission in 2014. Members departed the Lowe House Office Building and re-convened in the Governor’s Reception Room in the State House.

## **RECOGNITION OF RETIRING MEMBERS**

Senator Mike Waugh announced his upcoming retirement to accept a position as Director of the Pennsylvania Farm Show Complex. On behalf of the members Ann Swanson bid him a fond farewell and presented him with a parting gift. Senator Waugh began his service on the Commission in 1995 when he was a representative for three years. He was reinstated as a Senate member of the Commission in 2001 and served as Chairman in 2005.

Members also bid farewell to Deputy Secretary Anthony Moore, who represented Virginia Secretary Doug Domenech at many Commission meetings since 2010. Moore leaves due to a change in the Va. Administration.

Pat Buckley, who coordinated Pennsylvania's efforts on Chesapeake Bay Restoration for nearly 30 years, also announced her retirement. Ms. Buckley, whose institutional knowledge of the Bay Program has proved invaluable, has been attending Commission meetings for more than 25 years. Members thanked her for her service and wished her well.

## **REMARKS OF THE OUTGOING CHAIRMAN AND ACCEPTANCE REMARKS OF INCOMING CHAIRMAN**

Chairman Maggie McIntosh thanked her colleagues for their support over the past year of negotiating the Bay Agreement and thanked staff for their work as she handed-off the Chairmanship to Pennsylvania.

Representative Ron Miller accepted the Chairmanship for 2014 and said he looks forward to a challenging and interesting year. He noted that members are obviously united by our common goals, even if they are divided by very distinct states, and he also praised the staff for their excellent work.

McIntosh then introduced Governor O'Malley and noted that he has been one of the most progressive Governors on climate change, establishing a Climate Change Commission, issuing a Coast Smart Executive Order, and championing legislation to promote wind power and to limit growth on septic systems.

## **CHANGING ENVIRONMENTAL CONDITIONS**

### **Part II:**

#### **Managing for Change**

Governor Martin O'Malley welcomed CBC members and framed Bay restoration in a larger context of macro-population issues. He noted that the size of our population and the traditional methods for feeding and fueling the population have outstripped the planet's capacity. He said we need far better understanding so we can intentionally design a greener future. He touched on the need for a common platform to bring us all together and noted that maps help bring people together. He explained Maryland's Green Print program, which maps our agricultural lands and best habitat to conserve, and Growth Print, which tells us where we should grow. O'Malley noted that the Bay Program's adoption of two year milestones was a turning point because all states began to take action in measureable, accountable ways. He said that as the new Chair of the Bay Program's Executive Council, he wants to highlight ways that we can deepen our understanding like focusing on a "schoolshed" because for many people the Bay may be too far away to capture their interest but their local creek is not. "Schoolsheds" can be about the wonders of our local waters rather than the Bay dead zone. O'Malley also spoke about Conowingo Dam and said they are in still in negotiations for permit renewal but also noted the large profits Exelon reaps from the dams.

### **Part III:**

#### **CHANGING WASTE TREATMENT**

George Hawkins, General Manager of DC Water

Hawkins opened by telling members that Blue Plains treats wastewater from D.C and from Montgomery and Prince Georges Counties in Maryland, and Fairfax, Loudon and Arlington in Virginia. He noted that this is an outstanding example of regionalism: the entire region contributes to the cost and there is hardly ever a conflict because the charges are transparent and very accurate. Blue Plains is the largest advanced water (tertiary treatment) plant in the world and Hawkins said their performance is better than anywhere in the world. They are one year ahead of permit reductions. But Blue Plains is still the largest single source of nitrogen to the Bay so D.C is adopting a hybrid solution of large underground storage tunnels and Green Infrastructure to address the problem.

Hawkins described the two underground storage tunnels that will reach sixteen stories underground and hold 98% of the overflow stormwater and wastewater then slowly feed it to the wastewater plant, which will prevent the sewer overflows that pollute the Anacostia and Potomac rivers. The long term control plan known as “Clean Rivers” was initiated in 1998. There were three tunnels called for in the consent decree but they will try to eliminate a third tunnel and modify the Potomac tunnel by installing Green Infrastructure. The tunnels will capture overflow from the east side of the City, but they will experiment on the west side of the City to prevent overflow using Green Infrastructure. District ratepayers are paying for 93% of the Potomac tunnel costs of 2.6 billion dollars. Their rates went from \$40 to \$80 in five years. Hawkins thanked the CBC for their help in obtaining some federal appropriations for this project. He then described the large methane digester that they are building which will generate 13 MW of electricity, and possibly up to 20 MW. The power will be used to run the Blue Plains. He said the volume of solids will decrease so that 60 trucks a day will decrease to 30 trucks hauling class B biosolids. This should also reduce the greenhouse gas production in D.C by one third. The digester should generate more cash flow than it cost to finance so the investment should be paid back in ten years.

**ADJOURN:**

The meeting adjourned at 3:30 PM. The next meeting of the Chesapeake Bay Commission will be held at the Beacon Hotel in Washington D.C. on May 8 & 9, 2014.